

Jon N. Robbins
WEISBERG & MEYERS, LLC
3877 N. Deer Lake Rd.
Loon Lake, WA 99148
509-232-1882
866-565-1327 facsimile
jrobbins@AttorneysForConsumers.com
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

JOY SUITER,) Case No. CV-11-3031-EFS
)
Plaintiff,) **COMPLAINT FOR VIOLATION**
) **OF FEDERAL FAIR DEBT**
) **COLLECTION PRACTICES ACT**
vs.)
)
MRS ASSOCIATES, INC. AND)
EQUABLE ASCENT FINANCIAL,)
LLC FKA HILCO RECEIVABLES,)
LLC,)
)
Defendants.)

NATURE OF ACTION

1. This is an action brought under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

JURISDICTION AND VENUE

2. This Court has jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

COMPLAINT FOR VIOLATIONS OF THE FAIR
DEBT COLLECTION PRACTICES ACT-1

WEISBERG & MEYERS, LLC
3877 N. Deer Lake Rd.
Loon Lake ,WA 99148
509-232-1882
866-565-1327 facsimile
jrobbins@AttorneysForConsumers.com

1 3. Venue is proper before this Court pursuant to 28 U.S.C. §1391(b),
2 where the acts and transactions giving rise to Plaintiff's action occurred in this
3 district, where Plaintiff resides in this district, and/or where Defendants' transact
4 business in this district.
5

6
7 **PARTIES**

8 4. Plaintiff, Joy Suiter ("Plaintiff"), is a natural person who at all
9 relevant times resided in the State of Washington, County of Yakima, and City of
10 Yakima.
11

12 5. Plaintiff is a "consumer" as defined by 15 U.S.C. § 1692a(3).
13

14 6. Defendant, MRS Associates, Inc. ("MRS") is an entity which all
15 relevant times was engaged, by use of the mails and telephone, in the business of
16 attempting to collect a "debt" from Plaintiff, as defined by 15 U.S.C. §1692a(5).
17

18 7. MRS is a "debt collector" as defined by 15 U.S.C. § 1692a(6).
19

20 8. Defendant, Equable Ascent Financial, LLC fka Hilco Receivables,
21 LLC, ("EAF") is an entity who acquires debt in default merely for collection
22 purposes, and who at all relevant times was engaged in the business of attempting
23 to collect a debt from Plaintiff.
24

25 9. EAF is a "debt collector" as defined by 15 U.S.C. § 1692a(6).
26
27

FACTUAL ALLEGATIONS

10. Plaintiff is a natural person obligated, or allegedly obligated, to pay a debt owed or due, or asserted to be owed or due a creditor other than MRS.

11. Plaintiff's obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than MRS, arises from a transaction in which the money, property, insurance, or services that are the subject of the transaction were incurred primarily for personal, family, or household purposes.

12. Plaintiff incurred the obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than MRS.

13. MRS uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due, or asserted to be owed or due another.

14. EAF purchases debts once owed or once due, or asserted to be once owed or once due a creditor.

15. EAF acquired Plaintiff's debt once owed or once due, or asserted to be once owed or once due a creditor, when the debt was in default.

16. EAF is thoroughly enmeshed in the debt collection business, and EAF is a significant participant in MRS's debt collection process.

17. Defendants made initial communication with Plaintiff in August of 2010 via telephone call, and at such time, Defendants failed to provide Plaintiff with the notices required by 15 USC § 1692g(a) et seq., and Defendants failed to provide said notices within 5 days thereof.

18. Defendants did not send Plaintiff any written communication until December 2, 2010 via email, and this communication also failed to provide the notices required by 15 USC § 1692g(a) et seq. (15 U.S.C. § 1692g(a) et seq.).

**COUNT I—VIOLATIONS OF THE FDCPA
DEFENDANT MRS**

19. Plaintiff repeats and re-alleges each and every allegation above.

20. Defendant MRS violated the FDCPA as detailed above.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that MRS violated the FDCPA;
- b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §1692k, in the amount of \$1,000.00;
- c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. §1692k;
- d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;
- e) Awarding Plaintiff any pre-judgment and post-judgment interest as

1 may be allowed under the law;

2 f) Awarding such other and further relief as the Court may deem just
3 and proper.
4

5 **COUNT II—VIOLATIONS OF THE FDCPA**
6 **DEFENDANT EAF**

7 21. Plaintiff repeats and re-alleges each and every allegation above.

8 22. Defendant EAF violated the FDCPA as detailed above.

9 WHEREFORE, Plaintiff prays for relief and judgment, as follows:
10

11 a) Adjudging that EAF violated the FDCPA;
12

13 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §1692k,
14 in the amount of \$1,000.00;
15

16 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. §1692k;
17

18 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
19 this action;

20 e) Awarding Plaintiff any pre-judgment and post-judgment interest as
21 may be allowed under the law;
22

23 f) Awarding such other and further relief as the Court may deem just
24 and proper.
25
26
27

TRIAL BY JURY

Plaintiff is entitled to and hereby demands a trial by jury.

Respectfully submitted this 9th day of March, 2011.

s/Jon N. Robbins
Jon N. Robbins
WEISBERG & MEYERS, LLC
Attorney for Plaintiff